

Order

Michigan Supreme Court
Lansing, Michigan

May 21, 2010

Marilyn Kelly,
Chief Justice

139984

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 139984
COA: 285101
Lenawee CC: 07-012858-FC

DOUGLAS EUGENE CAMP,
Defendant-Appellee.

On May 11, 2010, the Court heard oral argument on the application for leave to appeal the September 17, 2009 judgment of the Court of Appeals. On order of the Court, the application is again considered. MCR 7.302(H)(1). In lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals because the trial court did not clearly err in finding that the defendant consented to the mistrial declared by the court. Where a defendant consents to a mistrial, double jeopardy considerations do not apply. *United States v Dinitz*, 424 US 600, 607; 96 S Ct 1075; 47 L Ed 2d 267 (1976). We REMAND this case to the Court of Appeals for consideration of the issues raised by the defendant but not addressed by that court during its initial review of the case.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 21, 2010

Corbin R. Davis

Clerk